

Religious Freedom Coalition

717 Second Street NE V Washington, DC 20002
(202) 543-0300 Fax (202) 543-8447

July 28, 2006

The Honorable Sam Brownback
United States Senate
Washington, DC 20515

Dear Senator Brownback,

On behalf of the thousands of families represented by the Religious Freedom Coalition, I would like to thank you for introducing the Veterans' Memorials, Boy Scouts, Public Seals and Other Public Expressions of Religion Act of 2006 (PERA). This is a very much needed piece of legislation which would go far toward restoring the freedom of speech and of religion which American citizens were guaranteed in the Constitution. Those freedoms have been under severe assault for years by activist judges and avaricious lawyers.

The lawsuits brought against schools, cities and state agencies concerning issues of religious speech are well known. A judge was sued for hanging the Ten Commandments on the wall of his courtroom. A school principal was sued because he allowed a student to pray over the loudspeaker for two fellow students who had just died in a car wreck. A town council was sued because of "religious content" in the city seal. The list goes on and on. Although I and members of the RFC believe such lawsuits are outrageous, we know that in our republic citizens do have the right to come before the courts with complaints. And this legislation would not hamper that right to bring lawsuits. It would simply protect public officials from personal liability and remove some of the coercive power now held by lawyers motivated by personal gain.

The prospect of financial gain for lawyers and financial bankruptcy for losing defendants has served to corrupt the judicial process and to effectively stifle constitutionally guaranteed free speech. ACLU lawyers and others have actually threatened public officials with the prospect that if they are sued and lose, they may be found personally liable for court costs and attorneys' fees amounting to many thousands of dollars. Even worse, although public officials are protected from liability for money damages in their official capacity, no such protection exists for them as individuals. These threats may or may not be credible, depending on the particular judge, but few officials want to take the risk. So, they give up, they bow to the demands of the ACLU, and the First Amendment is trampled in the dust.

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It is despicable to threaten people with loss of their entire life savings or with being driven into debt, not because of any criminal act or intent but just because they have exercised their free speech rights. It is extortion, not justice.

I have been personally involved with several religious liberty cases in my capacity as chairman of the Religious Freedom Coalition. For example, I helped the schools of Pontotoc County, Mississippi in their battle against the ACLU after they were sued for three "religious activities" permitted in their schools. The schools won two out of the three charges in court, but lost the third. The ACLU, out of spite and greed, asked for and won a judgment of \$278,000.00 for payment of attorneys' fees and "expenses." The citizens of Pontotoc, one of the poorest and least populated counties in the nation, struggled to come up with the money. Public officials know that if an award like this were leveled against them as individuals, the result would be devastating.

I commend you for your valiant effort to end this climate of fear and to bolster the constitutional protections of free religious expression which the Founders meant for Americans to have. I hope this legislation, (S. 3696), will have the many cosponsors which it rightfully deserves.

Yours sincerely,

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William J. Murray
Chairman